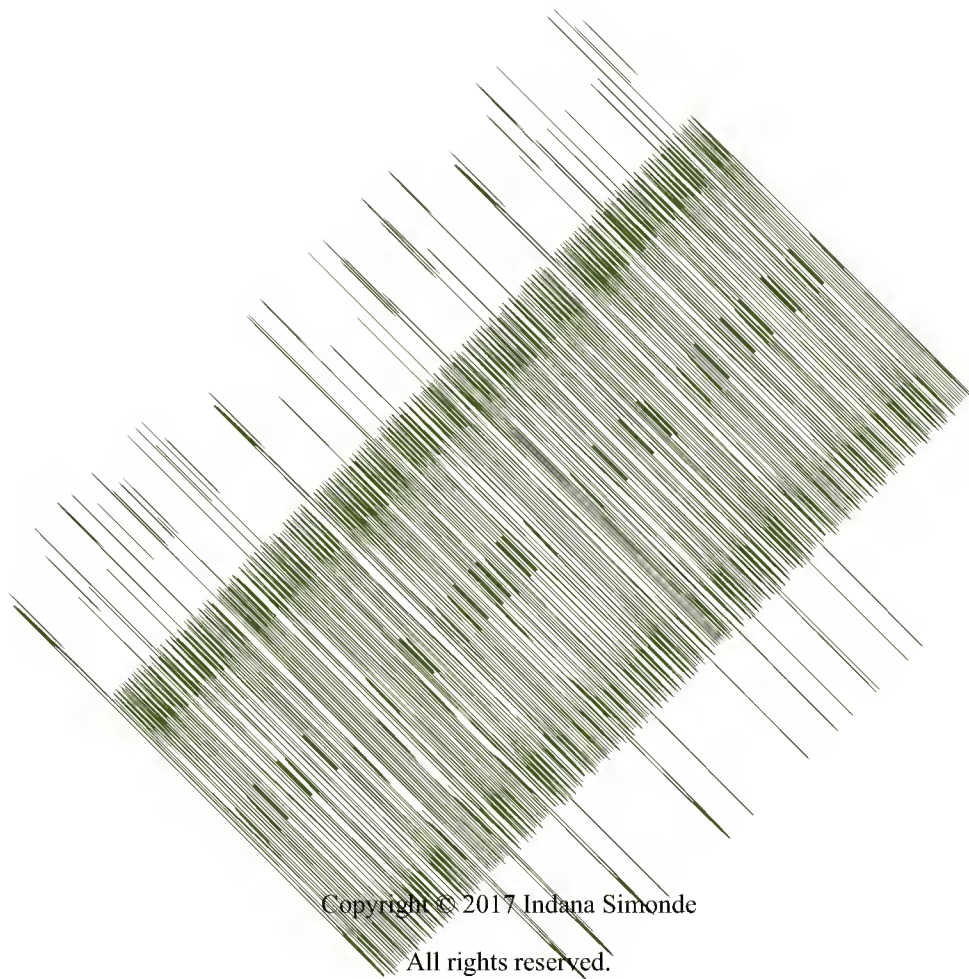


# The Declaration of Education and Social Welfare

Indana Simonde



Copyright © 2017 Indana Simonde

All rights reserved.

ISBN: 9781549661020

“...imagine that it is possible to reform local government – or any institution – without first being clear about its purpose, without first setting the value judgements and working out the objectives of the reformed institutions”

J.P. Mackintosh, Professor of Politics at Birkbeck College; M.P for Berwick and East Lothian

“...after the 1830s... Those groups which wanted new laws (which had been the usual objective in the nineteenth century) would go to Whitehall if what was wanted arose out of existing policies... bodies such as the British Medical Association and the National Union of Teachers do not have quite such a legal right to consultation, though it is unthinkable that anything should be done about the Health Service or about Education without the views of the BMA or the NUT being obtained. The same is true of the representatives of industry and the TUC”

Sir Richard Clarke, permanent Secretary of the Minister of Aviation and Technology, 1966-70

“The problem of ‘crisis’ is also institutional in the sense that many inadequacies and failures of the present system can be expressed in terms of institutional practice.”

W.J. Stankiewicz (as quoted in British Government in an Era of Reform, Collier Macmillan, London 1976)

## **A Law for everyone**

During the election campaign of 2017 my thoughts and prayers as with those of the country (if not the world) followed the events of the attacks on the civil liberties of ordinary men and women. Manchester and London suffered terrorist attacks which were the culmination of yet another war at the cost of the lives of minors; children as young as eight. So I wanted to start by dedicating some time to the memory of anyone affected by recent events as politics and legislation mean nothing if not how to make people civil citizens in a safe and crime free environment. Rehabilitation, equally means nothing if nothing is done to elucidate the individual criminal as to what the problem was in breaking the law, i.e. if they don't learn from their mistake, how can they learn how not to repeat the same mistake over and over again during the course of their day to day lives. You, the reader are who makes the love for the country what it is, and so in light of election scandals, terrorist incidents both in Britain and further afield, hospital closures and more, hope overshadows hate in a world that dreams too little and works too much. This book was born out of an idea of which I would like the reader to participate in, prior to continuing to read. As a law student I was encouraged to dream and think initially as a lawyer would; so much so in fact, that I was asked to think of a law of my own, that is to make a law. Therefore I set about creating a

mandate that defines just that in the form of the Declaration of Education and Social Welfare of which I aim to provide the reader in full with a comprehensive image of how to create the vision of the same. I would implore the reader to do the same, and in so doing, we each might help to heal one another in thought, word and sincere deeds.

## **1. Equal rights for all**

Think back to a time when you or someone you love fell ill, be it mental or biological. Did they (or did you) ask for help? Did they (or you) seek medical attention or did they (or you) suffer in silence, attempting to cope with the ailment, sickness or disorder? Some people are predisposed to higher pain thresholds and as such cope with specific illnesses a little better than others. Pharmaceutical reliance in order to maintain a specific level of well-being is on the rise in many localities, areas and states but not all states have access to free medication. In that regard, drugs which are new to a market, based on economies of scale can be highly expensive causing alternative medications to be used at a lower cost with greater side effects and potentially but not always at an opportunity cost. Namely the cost in this regard is the overall effectiveness in curing the ailment.

As an example, I am going to use HIV/Aids (and equally Cancer respectively) as the level of investment

in treating and curing both is disproportionate and (in all three illnesses) has turned what should be an inalienable right into a business. *What is the best way to tackle terminal illness?* Whole books have been dedicated to person centred individual approaches to changing standards and professional strategies. One day everyone will have good health, it all starts with choice.

It is easy for members of a community to become isolated from parents to employers and employees (including the unemployed and low income workers) as well as the sick, frail and aged alike. Everyone in the world requires the belief '*we are born equal*' and many more so will tell you that *we are equal*. But for anyone who has ever been marginalised, ostracised and or isolated, equality can seem like an overshadowed dream of a future utopia. Just because shared values are shared throughout different nations, individuals and societies, does not mean that everyone has the same visions of equality as at present, though we each can attain the same levels of equality through our democratic and civic duties. This can be done to educate one another as to the peer pressure and group dynamics, which equality flourishing as a word and not as the rule of sovereign law will show. This can be done through the rights and universality of the living breathing instruments of the law; an example of which might include the **Universal Declaration of Human Rights** or the **United Nations Convention of the**

**Refugee or the Rights and Duties of States.** These same rules and stipulations apply not just to governments or good citizens but to all citizens allowing various rights to individuals through the organisation(s) and vessels as well as legislative instruments of the United Nations. If viewed through a global lens, NGO's (Non-Governmental Organisations) and International Organisations (IO's) such as the United Nations work towards creating just that in the form of water, food, shelter, peace, education and all the things people in Western society have grown accustomed to as rights and secure freedoms. These same rights and freedoms allow and enhance our ability to consume various goods and commodities as part of a complete package. Ultimately, inalienable (the opposite to removable laws, rules and customs) rights to specific things such as a toilet, bath or shower should be and one day will be inalienable internationally but at present the question remains, do *YOU* need a law to tell you that you are a human being?

## **2. Unity, a perspective on...**

The actions people perform and words that accompany their actions are a bi-product of psychological, social, environmental and various other factors that (though they are played down) are allowed to play a defining role in an individual's life. A direct causal link can be

drawn not solely from the formation, establishment and continuity of a person's identity, but equally the sustainability of the same with regards to their background, availability and acceptance of education and maternal or paternal communication. Divisions and fragments or fractures in a person's identity whether stable or otherwise play a role in shaping or highlighting their instability and lack of acceptance for minute diversification from a norm. People are ostracised for any number of limitless reasons be they religious, political, sexual and (or) orientation based on what we know as the ideological foundations of a dialogue with one another, whether positive or negative in the eyes of the law.

Unity, unwavering and powerful in measure can be seen as the knife in the proverbial division of lack of identity or oneness; intrinsically all that makes us human. Every time a new division is created, the demographic (a statistic usually designed in the modern age to categorise individuals or groups) is pushed to struggle beyond the boundaries of their constituent social hierarchy with a view to regaining or attaining a level of acceptance that fits in with their identified social morals, in line with their identity as a normal individual.

Radical thought or radical ideology can have negative symptoms creating disharmony in its wake as the identity of oneness is long overshadowed by the idea of something new, a way of being heard when the

voiceless struggle for too long. Humanity is a word that describes our species, every race, creed, culture, sex etc. and all that makes a statement of an individual's identity in line with others. Examples of negative symptoms of disharmony vary from breaking the law to causing detriment and loss of life to others. Stereotyping, ignorance, racism and bigotry or sexism and homophobia which are just as much radical forms of ideology as violent attacks on any given state through social coercion and (or) terrorism regardless of whether it is state sponsored or not.

The limitations placed on social consciousness/identity and the forward momentum that propels global societal norms and goals are the same radical ideologies that force children under the age of 16 onto the streets, that allow transmission of sexually transmitted diseases and still to this day that allow stigmatisation and polarisation of the entire planet based on the same; as well as income, education and health of any individual through sexualised or racialised discrimination as an attack on a person's identity. Unity drives all that divides disharmony, discontent, persecution and the negative symptoms of this idea of oneness within humanity.

### **3.Survivalist to Democratic Revivalist mentality**

*What is peace, or rather how can everyone globally play a role in ending warfare? (be it social coercion,*

anarchic crises and systemic abuses and human rights violations). Political conceptualism is not the same as religious opinion. Dialogue, discussion and informed debate usually require open and consensual knowledge of a specific subject but argument (especially heated arguments) are far from always clear in their direction when an individual's emotions cloud their judgement.

Political schools of thought usually work from past schools and trains of thought (David Hume, Plato & Aristotle, John Locke or John Stuart Mill to Adam Smith, John Maynard Keynes and so on). Ideals are born over time and usually have persecution, torture or negative (or religious) sentiments to thank for their overall production. The illusion that good always wins or bad people are always bad is a fallacy. People do what they must to survive but survival is a primal urge in an age of civil truths and protectionism, in order to overcome negative behaviours, blue sky thinking (every cloud has a silver lining) is required.

Democratic interchange allowing multi-lateral communication (dialogue) between ambassadors and representatives of the United Kingdom at home and abroad; of which the representative(s) include members of the public can and must become an institutional norm which is not solely top down or grassroots led. A middle ground in order to establish a dialogue with the public must be established such as for instance a board set up to create an infrastructure for social etiquette with regards to UN, international and national treaties,

conventions, laws and by-laws and how they are relayed to the public(s) of whom they relate to. Every country could potentially specialise in a specific task or branch of law. This could change, depending on age, gender, and equal historical background with an inference on experiential as well as academic learning in synthesis, in order to promote positive discrimination amongst the youth in politics as well as aiding the 'fleshing out' of new human rights law.

An example of which would include for example, the setting up of an international anti-corruption legislation expressing the need for universal anti-retroviral use and anti-carcinogens that are triggered by passive exposure to nicotine or carbon monoxide and dioxide isotopes found in radioactive sources and contaminants (or foods).

#### **4. A law for all**

Imagine an ornate house or office block rented free of charge to every man, woman and child living on the street. Nobody has a *right* to interfere in someone else's life but, everybody deserves a home regardless of race, class and cultural/social background. Despite this fact, in an age of housing shortages *where does the capital and the property come from in order to solve the issue of housing?* Psychological, social and addictions issues plague many people, the homeless more so as a result of complex issues affecting the reasons they are on the streets. But the question still

begs answer, where does the capital come from in order to house people who may not necessarily wish to join mainstream culture? **Taxation?** Corporations and private enterprise? **Banks?** Religious institutions or the homeless [themselves]?

Over centuries, the issue has not evolved into a matter of legal sanction but remains a part of the public psyche. So, in developing a mandate that suits all walks of life, the same question(s) must be asked of the marginalised if equality is to become a reality i.e. its not about contribution, nor is it about merit or meritocracy but rather rights and fundamental freedoms that are taken for granted on a day to day basis.

Society requires 'out of the box' thinking in order to solve problems that to one person may be yet be tackled differently by another. Cooking, budgeting, cleaning and transport are all part of life as a grown adult and may not necessarily come naturally to everyone. They are learnt as opposed to being innate or instinctually driven by nature. Skills sharing through organisational interchange and discourse whilst useful are time consuming and can be resource intensive.

Barriers to learning, improving and differentiating key skills are not barriers if there is help from an outside source but over reliance on others leads to dependence which in turn then becomes something else.

In teaching, or rather learning a new skill set how can societal values, norms and rules be engrained in the same without causing detriment or delineating from the overall aims of any (and potentially every) society. That is to say, how can you teach someone something without patronising or putting down someone else? Simple, teach someone how to think, not just how to do the same as others; in so doing, they will have a toolbox of problem solving, analysis and criticism skills suitable for self-awareness.

Imagine everyone had a bar above their head or even an item of clothing that had a readable and user definable score. Now imagine that bar told you a very personal score (the self-esteem of the individual in comparison to the rest of the community in the local or international environment the individual found themselves in). Faith is a part of work and education for some but still works through institutionalisation; all of which has led to acceptance instead of actualisation of the self and the local and wider community. By actualisation I mean the rational ability of a community or individual to upheave notions of a lack of interdependence and individual worth relative to that of the wider community in order to reach goals as set by the institutional environment or infrastructure.

That is to say, imagine faith, work, education or institutionalisation wanted the best for you in all things. Imagine when you felt low or unhappy because of circumstance they pushed you not to breaking point but



until you reached your potential. Now, imagine your community (the street you live on and further afield) developed a relationship with you. Every day through relationship management your self-esteem would have to be managed which then defines your mental health.

J.C Hathaway and M. Foster (2015) have been quoted in their unparalleled book the law of Refugee status as pointing out that;

*“A person is a refugee within the meaning of the 1951 Convention as soon as he fulfils the criteria contained in the definition. This would necessarily occur prior to the time at which his refugee status is formally determined. Recognition of his refugee status does not therefore make him a refugee but declares him to be one. He does not become a refugee because of recognition, but is recognised because he is a refugee.”*

...As a result of this there were 7 very specific points with relevance to exactly what a person granted refugee status must qualify in order to attain relevant status as a refugee under international law. These points are as follows;

- (1) alienage
- (2) well-founded fear
- (3) serious harm
- (4) failure of state protection

(5) nexus to civil or political status

(6) needing protection

(7) deserving protection

Lord Hoffman stated in his Obiter Dictum, which is usually a ruling based on law made by a judge that is connected to a case or judgement, for the case R v. Secretary of State for the Home Department, ex p Simms [2000] 2 AC 115 (HL);

*“Fundamental rights cannot be overridden by general or ambiguous words... In the absence of express language or necessary implication to the contrary the courts therefore presume that even the most general words were intended to be subject to the basic rights of the individual”* and to this end a similar point is made by Lord Diplock in Secretary of State for Defence v Guardian Newspapers Ltd [1985] AC 339, 348-9; where he stated that in relation to the Contempt of Court Act (with reference specifically to section 5 and section 10);

*“Section 10... recognises the existence of prima facie right of ordinary members of the public to be informed of any matter that anyone thinks it appropriate to communicate to them as such... Provided that it is addressed to the public at large or to any section of it every publication of information falls within the section and is entitled to the protection granted by it unless the*

*publication falls within one of the express exceptions introduced by the word unless.*

*The nature of the protection is the removal of compulsion to disclose in judicial proceedings the identity or nature of the source of any information contained in the publication, even though the disclosure would be relevant to the determination by the court of an issue in those particular proceedings”.*”

## E.g. Declaration of Education and Social Welfare

An International Declaration between States Parties in order to insure democratic interchange and welfare rights for all succeeding generations without fear of oppression or the damaging instance of war or unnecessary loss of life and also with a view to restructure society so as to rehabilitate and mobilise those peoples at a disadvantage within society;

And to end the need for criminal classifications throughout society through the reaffirmation of an individual's inalienable rights and fundamental freedoms through direct use of the social and justiciable (if not, solely peaceable) interaction between States Parties, Peoples and administrative apparatus resulting from organisational interchange between societal actors (that is the peoples of the United Nations) and the free peoples of the world.

Considering that the surface of the entire planet, the Solar System, the Galaxy and the Universe and all that is constrained and associated with the same therein belongs to no one man, woman or child,

The States Parties to the present Declaration and all High Contracting Parties, Plenipotentiaries and their associated vessels, organs and administrative instruments hereby;

Recognise the Universal Worth, Dignity and Pride of the Human Person,

Recognise in accordance with the Universal Declaration of Human Rights that all free peoples irrespective of age, race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status;

Having the right to life, liberty and security of the person

Being free from servitude and enforced slavery, shall be free from torture and (or) cruel, inhuman or degrading treatment or punishment,

Shall be recognised everywhere, with equal rights and entitlements as a person under law without discrimination and (or) to a legal and just remedy whilst being free to marry, express themselves and work as they see fit through the maintenance of a clear and direct protection of scientific, artistic or literary production of any kind or any other production that aids and (or) furthers the promotion and progression of the entire human community and,

Where necessary to this ideal provides for the safe and communicable healthy development of all life whether plant based, mammalian, aquaculture(s), avian or other life forms as yet unmentioned in this Declaration,

Allowing for all forms of life to be free within the remit of the law;

#### Article 1

1. The Governments of all peoples subject to the Convention on the Rights and Duties of States (1933) shall hereto agree to; adhering to national and international law;

(a) To provide for the continuance and education of the public(s) of the world where;

(i) There is a permanent population

(ii) There is a defined territory

(iii) There is a government and instruments to provide for the administration of the government

(iv) There is a capacity to enter into relations with the other States

- (v) States are juridically equal, enjoying the same rights and have equal capacity in their exercise and existence as a person under international law(s)
  - a. Of which 'international law(s)' shall be taken to mean any law or convention, declaration, treaty or act between sovereign nations and not limited to but including all law within sovereign nations
  - b. Is designed to be applicable to all peoples everywhere
  - c. Recognition of which is irrevocable and unconditional
- (b) Will endeavour to secure and maintain fair and humane conditions for men and women both in their countries and in all countries
- (c) Child labour, enforced labour and servitude or slavery shall be illegal (as with all slavery through the safeguarding of all existing and future human rights in keeping with international law) where;
  - (i) 'modern slavery' shall be taken to

mean;

- a. Circumstances where a person is held in slavery or forced to work against their will regardless of age, sex, race, social or political persuasion or through any other outlying identifiable cause that may be subject to discrimination or may provide peoples with unjust cause to discriminate on any level for any reason.
- b. Unfair pay in all its forms irrespective of trade, whether through international mining (be it for precious minerals and metals or fuels or otherwise) in any form and within any territory shall be regulated from tertiary through to secondary and primary manufacture and logistics or production, through to consumption of any product on any level. (The same shall be so for any product).
- c. The sale or promotion of any sexual or sexualised exploitation through any medium including (especially pornographic or serialised broadcast

of a child or adult) whether through illness, disability or familial relationship (shall equally be made illegal, monitored and regulated on an international basis ongoing) so as to reduce the incidence of crime based around sexualised violence.

2. Subject to Chapter VII of the Charter of the United Nations and to achieve international peace and security by obligations not to resort to war; States Parties shall undertake to;

(a) Institute national and international dispute resolution committees with dialogue and international panels and committees aimed at promoting and unequivocally reducing sale and manufacture of

(i) Armaments and any form of weapon of war

(ii) Technology to mass produce, sell and facilitate the manufacture of armaments of any kind

(c) All material on any medium that enforces and increases the sale of armaments should henceforth be banned and;

(i) Preservation of the value of life

should be an ultimate end to which all peoples should strive to work towards with a view to furthering the goals and aims of the same

(ii) Prevention of hostilities and settlement of disputes will be the ultimate end, equally, in the interests of international and national dispute resolution panels and communities with a view to training medical, legislative and all general branches and fields of society with a view to the same

(iii) Any dispute that shall resort to war must be resolved in no less than twenty days in a non-violent and non-aggressive manner

(iv) Communication of the same should be passed to all public(s) with immediate effect

3. No man, woman or child should be without food, clothing a home or resources and services that aid towards the following aims;

(a) Maintenance of domestic, private and public mechanisms designed to limit and ultimately end cruel, inhuman or

degrading treatment of any kind (hereinafter referred to as National Preventive Measures;

(b) The National Preventive Measures will be used in such a way as to end deprivation of liberty, injury or loss of life by any means;

(c) The National Preventive Measures will be used to educate the public(s) as to non-bureaucratic or autocratic professional interests, vocational, administrative and general advancement through to the universality of the objective terms of liberation, liberality and liberalism via mechanisms passed to all public(s)

4. Where a State Party takes action against another State Person or Group of Individuals

(a) Whether through use of any specific medium or;

(b) In writing;

(c) In person, that State Party will make effort not to discriminate either through or with prejudice to limiting or removing the inalienable rights and

freedoms applicable through national, international, public or private law;

(i) 'public law' in this instance is taken to mean law applicable to large groups within a specific or as yet unreferenced territory

(ii) 'private law' in this instance is taken to mean law applicable to individuals;

(iii) Where there is no express statement as to whether a section, subsection or overall Act, Treaty, Declaration, Convention or other law is applicable to an individual or person; both public and private shall be taken to be the meaning of the Section, Subsection or overall Act, Treaty Declaration, Convention or other law

5. All people(s) are equal under law, and as such;

(a) Responsibility to not discriminate, prejudice or otherwise cause harm or

offence as set forth in Articles 1 through 4 of this Declaration shall be applicable throughout this Declaration.

6. All people(s) as part of their primary and secondary education must gain an understanding of the law in all its forms, in the interests of public safety, for the prevention of crime and disorderly conduct with a view to creating social harmony, cohesion and peace within peaceful borders and peaceable states.
7. Discrimination in all its forms throughout the National Preventive Measures whether communicated in person or via any medium; especially where it would cause unfair prejudice will be banned, in the interests of promoting human dignity, worth and provisions for the progression of national, international, cultural and religious freedoms and to preserve and further international human rights and laws

Proof